

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES N. JOINER,

Defendant.

**8:20-CR-151**

**ORDER**

This matter comes before the Court on Defendant's Motion to Proceed In Forma Pauperis on Appeal. [Filing 65](#).

On June 23, 2021, Defendant and his retained attorney, Mr. Ryan Hoffman, appeared for sentencing, and the Court imposed the mandatory-minimum sentence of one-hundred-fifty months of incarceration. [Filing 62](#). On July 6, 2021, Defendant, through Mr. Hoffman, filed a Notice of Appeal. [Filing 64](#). That same day Mr. Hoffman filed the pending motion. [Filing 65](#). In the motion, counsel noted that Defendant "does not have the means to pay the costs of the appeal" and would complete and file a financial affidavit imminently. [Filing 65 at 1](#). On July 13, 2021, the Court entered an order requiring Defendant to file the affidavit on or before July 20 or else the Court would deny the motion. [Filing 66](#). Defendant immediately filed the affidavit. [Filing 67](#).

"[A] party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court." [Fed. R. App. P. 24\(a\)\(1\)](#). An affidavit must accompany the motion, and that affidavit must:

- (A) show[] in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claim[] an entitlement to redress; and
- (C) state[] the issues that the party intends to present on appeal.

Fed. R. App. P. 24(a)(1)(A)-(C).

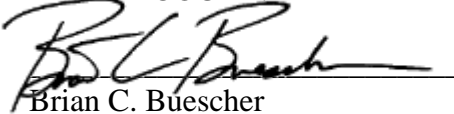
While Defendant's effort in filling out the affidavit form was perfunctory at best, *see* [Filing 67](#), and while Defendant previously filed an affidavit indicating his indigency but then retained counsel, *see* Filing 6, the Court will nonetheless grant Defendant's motion in light of his cursory compliance with [Fed. R. App. P. 24\(a\)\(1\)](#).

IT IS ORDERED:

1. Defendant's Motion to Proceed In Forma Pauperis on Appeal ([Filing 65](#)) is granted.

Dated this 15th day of July, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge